

**REMARKS-General**

1. The newly drafted independent claims 21 and 32 incorporate all structural limitations of the original claims 1 and 11 and include further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 21-40 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

2. With regard to the rejection of record based on prior art, Applicant will advance arguments to illustrate the manner in which the invention defined by the newly introduced claims is patentably distinguishable from the prior art of record. Reconsideration of the present application is requested.

**Response to Rejection of Claims 1-20 under Obviousness Double Patenting**

3. The applicant submits a terminal disclaimer herewith, in compliance with 37CFR1.321(c), to disclaim the terminal part of the statutory term of any patent granted on instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the co-pending application (No. 10/633,341), in order to overcome the rejection of the claims 1-20 under the judicially created doctrine of obviousness-type double patenting doctrine.

**Response to Rejection of Claims 1-20 under 35USC101**

4. 35 U.S.C.101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

5. The examiner rejects claims 1-10 as being unpatentable under 35USC101 because 'it appears reasonable to interpret this system...as software per se'. Regarding the newly amended claims 21-31, the applicants respectfully submits that the originally filed claim 1 has been amended by claim 21 which claims a visual programming system comprising a plurality of functional modules, a plurality of determination modules, and a user editing interface. The system allows user to modify

and edit the parent computer program in a convenient and easy manner because each part of the parent computer program can be modified by accessing to the corresponding function modules and determination modules via the user editing interface. The user editing interface may be shown on, but not limited to, a monitor for visually communicating with the user.

#### **Response to Rejection of Claims 4, 5, 12, 15 under 35USC112**

6. The applicant submits that the newly drafted claims 21-40 particularly point out and distinctly claim the subject matter of the instant invention, as pursuant to 35USC112.

#### **Response to Rejection of Claims 1-20 under 35USC102**

7. Pursuant to 35 U.S.C. 102, "a person shall be entitled to a patent unless:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

8. However, the Gendron et al. patent and the instant invention are not the same invention according to the fact that the disclosure and claims of the Gendron et al. patent does not read upon the instant invention and the independent claims 21 and 32 of the instant invention does not read upon the Gendron et al. patent either. Apparently, the instant invention, which discloses a visual programming system and method thereof, should not be the same invention as the Gendron et al. patent which discloses a computer based workstation for development of graphic representation of computer programs.

9. In order to fully support the above arguments, the applicant respectfully identifies the difference between the instant invention as claimed in the newly amended claims 21-40 and Gendron et al. patent as follows:

(a) Regarding the newly amended independent claim 21, Gendron et al. is silent as to a visual programming system comprising functional modules, determination modules, and a user editing interface which allows the user to individually modify the applicable functional programs and determination programs without involving **running**

***an exhaustive debugging and re-programming procedure of the parent computer program in lengthy sources codes.*** It is submitted that the quotations cited by the examiner is of general nature in defining frequently used terms in visual programming. They have nothing to do with the patentable subject matter of the instant invention.

(b) Regarding the newly amended claim 22, Gendron et al. is silent as to the determination programs having a determining test stored in the computer executable language for generating a true result and a false result for determining information flow of between the function modules, ***in addition to*** what is claimed in the newly amended independent claim 21. The quotation cited by the examiner is a general account of what is generally meant by "Boolean" control. It does not, however, anticipate possible modification of the determination programs in a view to partly modify the parent computer program without recourse to modifying source codes and debugging procedures.

(c) Regarding the newly amended claims 23-24, and 38-40, Gendron et al. is silent that each of the functional modules contains at least a connecting input and a connecting output for electrically connecting with other one of the functional modules and the determination modules for facilitating information flow between the functional modules and the determination modules within the parent computer program, ***in addition to*** what is claimed in the newly amended independent claim 21 and 32.

(d) Regarding the newly amended claims 25-27, Gendron et al. is silent that the visual programming system further containing a plurality of information flow lines visibly connecting the functional modules and the determination modules for accurately indicating the information flow between the functional modules and the determination modules, ***in addition to*** what is claimed in the newly amended independent claim 21. More specifically, the information flow lines allow the user to easily discern information flow between function modules and determination modules ***with a view*** to modify individual applicable functional programs and the determination programs.

(e) Regarding the newly amended claims 30-31, Gendron et al. is silent that the user editing interface comprises a function module selection panel, a selected module panel, and an editorial management panel, ***in addition to*** what is claimed in the

newly amended independent claim 21. Gendron et al. merely provide a general account of an operation of Visual Programming.

(f) Regarding the newly amended independent claim 31, Gendron et al. is silent as to a visual programming method comprising the steps of developing a plurality of functional modules, developing a plurality of determination modules, and accessing the applicable functional programs and the determination programs with a view to ***individually and selectively modify the applicable functional programs and the determination programs without running an exhaustive debugging and re-programming procedure of an entire parent computer program in lengthy sources codes***. The quotation cited by the examiner is merely a general account of developing a visual program.

(g) Regarding the newly amended claim 33, Gendron et al. is silent as to the step of compiling the human readable codes by a compiler for converting the human readable codes in the high-level computer language into the computer-executable language, ***in addition to*** what is claimed in the newly amended independent claim 32.

(h) Regarding the newly amended claims 36-37, Gendron et al. is silent as to a step, in between the step (b) and the step (c), of developing a plurality of information flow lines visibly connecting the functional modules and the determination modules for accurately indicating the information flow between the functional modules and the determination modules with a view to individually modify the applicable functional programs and the determination programs so as to alter the information flow of the parent computer program.

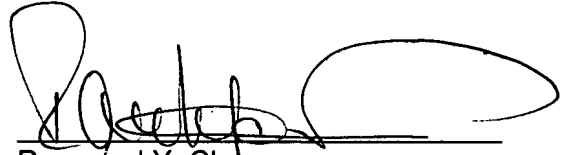
### **The Cited but Non-Applied References**

10. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

11. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the rejection are requested. Allowance of claims 21-40 at an early date is solicited.

12. Should the examiner believes that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

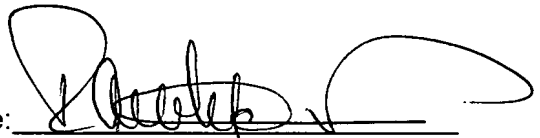


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### CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 07/19/2007

Signature:   
Person Signing: Raymond Y. Chan